

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

Editor's Note: The following Notice of Supplemental Proposed Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 415.)

[R13-28]

PREAMBLE

- 1. Citations to the agency's Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the *Register* as specified in R1-1-409(A). A list of any other related notices published in the *Register* as specified in R1-1-409(A):**

Notice of Rulemaking Docket Opening: 18 A.A.R. 1350, June 15, 2012

Notice of Proposed Rulemaking: 18 A.A.R. 2904, November 9, 2012

- | <u>2. Articles, Parts, or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|---------------------------------|
| Article 7 | New Article |
| R4-33-701 | New Section |
| R4-33-702 | New Section |
| R4-33-703 | New Section |
| R4-33-704 | New Section |
| R4-33-705 | New Section |
| R4-33-706 | New Section |

- 3. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-446.03(A)

Implementing statute: A.R.S. §§ 36-446.03(B)(11) and (12), (O) and (P), and 41-1072

- 4. The agency's contact person who can answer questions about the rulemaking:**

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- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

During a recent legislative session, the legislature enacted SB1038, which transferred regulatory oversight of training programs for assisted living facility managers from the Arizona Department of Health Services to the Board. The Board is charged with establishing standards for and approving training programs for managers and caregivers of assisted living facilities; specifically authorized to make nonrefundable fees for review of initial and renewal applications; and authorized to impose discipline if a training program violates the Board's rules. The Board is making the

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

rules necessary to fulfill its statutory responsibility. In this Notice of Supplemental Proposed Rulemaking, the Board is making changes to the previously proposed rules dealing with training programs for caregivers at assisted living facilities.

This rulemaking is exempt from the rulemaking moratorium contained in Executive Order 2012-03 under paragraph (4)(c) of the Order.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. An explanation of the substantial change that resulted in this supplemental notice:

Based on comments received regarding the Notice of Proposed Rulemaking, the Board is:

- Reducing the total number of hours of training from 136 to 104 (a 24% reduction);
- Eliminating the 40 hours of practicum and substituting 16 hours of skills training;
- Eliminating the requirement that practicum or skills training occur at an assisted living facility with which the training program has a contract;
- Reducing the number of hours that may be obtained by distance learning from 30 to 26;
- Expanding the qualifications that make an individual able to serve as a training program instructor; and
- Reducing the number of years of experience required to be qualified as a training program instructor.

The current training for assisted living facility caregivers is 62 hours. Those who commented generally supported the increased number of hours of training but believed 136 were too many. They suggested lack of training is not the reason that some residents receive inadequate care. They also suggested the increased training could lead to a shortage of qualified caregivers, which would aggravate the problem of inadequate care. They suggested that the required hours be reduced and those qualified to serve as a training program instructor be expanded. Both of these changes were made.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision:

Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:

The primary economic impact results from the legislative decision to require that assisted living facility training programs be approved by the Board. The economic impact from these rules results from the requirement that an application for approval be submitted, fees paid, and compliance with requirements designed to ensure that assisted living facility managers and care givers are trained adequately to care for the fragile individuals entrusted to them.

Because this Notice of Supplemental Proposed Rulemaking reduces the number of hours of training required to be an assisted living facility caregiver and expands the number of individuals qualified to serve as a training program instructor, the Notice of Supplemental Proposed Rulemaking reduces the economic impact of the previously proposed rules.

10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

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11. The time, place, and nature of the proceedings to make, amend, renumber or repeal the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the supplemental proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Tuesday, April 9, 2013
Time: 9:00 a.m.
Location: 1400 W. Washington St., Suite B-1
Phoenix, AZ 85007

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

The rulemaking record will close at 5:00 p.m. on April 9, 2013.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There are federal laws such as the Americans with Disabilities Act, OSHA, and employment-related laws that apply to all employers. There is no federal law specifically applicable to assisted living facilities.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

Section

<u>R4-33-701.</u>	<u>Definitions</u>
<u>R4-33-702.</u>	<u>Minimum Standards for Assisted Living Facility Caregiver Training Program</u>
<u>R4-33-703.</u>	<u>Curriculum for Assisted Living Facility Caregiver Training Program</u>
<u>R4-33-704.</u>	<u>Application for Approval of an Assisted Living Facility Caregiver Training Program</u>
<u>R4-33-705.</u>	<u>Renewal of Approval of an Assisted Living Facility Caregiver Training Program</u>
<u>R4-33-706.</u>	<u>Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination</u>

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

R4-33-701. Definitions

- A.** The definitions in R4-33-601 apply to this Article.
- B.** "Distance learning" means the use of technology to teach students who may or may not be physically present in a classroom.
- C.** "Skills training" means experiential learning focused on acquiring the ability to provide caregiving services to residents.

R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program

- A.** Organization and administration. The owner of an assisted living facility caregiver training program shall:
- 1.** Provide the Board with a written description of the training program that includes:
 - a.** Length of the training program in hours:
 - i.** Number of hours of classroom instruction.
 - ii.** Number of hours of skills training, and
 - iii.** Number of hours of distance learning, and
 - b.** Educational goals that demonstrate the training program is consistent with state requirements;
 - 2.** Develop and adhere to written policies and procedures regarding:
 - a.** Attendance. Ensure that a student receives at least 104 hours of instruction;
 - b.** Grading. Require a student to attain at least 75 percent on each theoretical examination or 75 percent on a comprehensive theoretical examination;
 - c.** Reexamination. Inform students that a reexamination:
 - i.** Addresses the same competencies examined in the original examination.

- ii. Contains items different from those on the original examination, and
 - iii. Is documented in the student's record;
 - d. Student records. Include the following information:
 - i. Records maintained,
 - ii. Retention period for each record,
 - iii. Location of records,
 - iv. Documents required under subsections (G)(1) and (G)(2), and
 - v. Procedure for accessing records and who is authorized to access records;
 - e. Student fees and financial aid, if any;
 - f. Withdrawal and dismissal;
 - g. Student grievances including a chain of command for disputing a grade;
 - h. Admission requirements including any criminal background or drug testing required;
 - i. Criteria for training program completion; and
 - j. Procedure for documenting before enrolling a student that the student has received notice of the fingerprint clearance card requirement;
3. Date each policy and procedure developed under subsection (A)(2), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;
 4. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
 - a. Name of the student;
 - b. Name and classroom location of the training program;
 - c. Number of classroom, skills training, and distance learning hours in the training program;
 - d. Date on which the training program was completed;
 - e. Board's approval number of the training program; and
 - f. Signature of the training program owner, administrator, or instructor;
 5. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
 - a. Student's name, date of birth, Social Security number, address, and telephone number;
 - b. Student's examination scores as provided by the examining entity;
 - c. Name and classroom location of the training program;
 - d. Number of classroom hours in the training program;
 - e. Number of distance learning hours in the training program;
 - f. Number of skills training hours in the training program;
 - g. Date on which the training program was completed; and
 - h. Board's approval number of the training program; and
 6. Execute and maintain under subsections (G)(1) and (G)(2) the following documents for each student:
 - a. A skills checklist containing documentation the student achieved competency in the assisted living facility caregiver skills listed in R4-33-703(C);
 - b. A copy of the current food-handler's card issued to the student by the county in which the student lives; and
 - c. An evaluation form containing the student's responses to questions about the quality of the instructional experiences provided by the training program.
- B. Program administrator responsibilities.** The owner of an assisted living facility caregiver training program shall ensure that a program administrator performs the following responsibilities:
1. Supervises and evaluates the training program.
 2. Uses only instructors who are qualified under subsection (C), and
 3. Makes the written policies and procedures required under subsection (A)(2) available to each student on or before the first day of the training program;
- C. The owner of an assisted living facility caregiver training program shall ensure that a program instructor is qualified under subsection (C)(1), (C)(2), or (C)(3):**
1. Is a certified assisted living facility manager:
 - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
 - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least two years;
 - c. Has not been subject to disciplinary action against the assisted living facility manager certificate during the last two years; and
 - d. Has at least two years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
 2. Is a licensed medical professional:
 - a. Holds a license that is in good standing and issued under A.R.S. Title 32, Chapter, 13, 15, 17, or 25;
 - b. Has held the medical professional license referenced in subsection (C)(2)(a) for at least two years;

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- c. Has not been subject to disciplinary action against the medical professional license during the last two years; and
 - d. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor; or
 - 3. Other qualified individual:
 - a. Holds at least a baccalaureate degree in a health-related field from an accredited college or university;
 - b. Has not been subject to disciplinary action against any professional or occupational license or certificate during the last two years; and
 - c. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor.
 - D.** The owner of an assisted living facility caregiver training program shall ensure that a program instructor performs the following responsibilities:
 - 1. Plans each learning experience;
 - 2. Accomplishes educational goals of the training program and lesson objectives;
 - 3. Enforces a grading policy that meets or exceeds the requirement specified in subsection (A)(2)(b);
 - 4. Requires satisfactory performance of all critical elements of each assisted living facility caregiver skill specified under R4-33-703(C);
 - 5. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently;
 - 6. Is present in the classroom during all instruction;
 - 7. Uses a maximum of 26 hours of distance learning;
 - 8. Supervises health-care professionals who assist in providing training program instruction; and
 - 9. Ensures that a health-care professional who assists in providing training program instruction:
 - a. Is licensed or certified.
 - b. Has at least one year of experience in the field of licensure or certification, and
 - c. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
 - E.** Skill training requirements. The owner of an assisted living facility caregiver training program shall:
 - 1. Provide each student with at least 16 hours of instructor-supervised skills training; and
 - 2. Ensure that each student develops skill proficiency in the subjects listed in R4-33-703(C).
 - F.** Instructional and educational resources. The owner of an assisted living facility caregiver training program shall provide or provide access to the following instructional and educational resources adequate to implement the training program for all students and staff:
 - 1. Current reference materials related to the level of the curriculum;
 - 2. Equipment in functional condition for simulating resident care, including:
 - a. Patient bed, over-bed table, and nightstand;
 - b. Privacy curtain and call bell;
 - c. Thermometers, stethoscopes, including a teaching stethoscope, blood-pressure cuff, and balance scale;
 - d. Hygiene supplies, elimination equipment, drainage devices, and linens;
 - e. Hand-washing equipment and clean gloves; and
 - f. Wheelchair, gait belt, walker, anti-embolic hose, and cane;
 - 3. Computer in good working condition;
 - 4. Audio-visual equipment and media; and
 - 5. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
 - G.** Records. The owner of an assisted living facility caregiver training program shall:
 - 1. Maintain the following training program records for three years:
 - a. Curriculum and course schedule for each student cohort;
 - b. Results of state-approved written and manual skills testing;
 - c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
 - d. Copy of all Board reports, applications, or correspondence related to the training program; and
 - 2. Maintain the following student records for three years:
 - a. Name, date of birth, and Social Security number;
 - b. Completed skills checklist;
 - c. Attendance record including a record of any make-up class sessions;
 - d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken;
 - e. Documentation from the program instructor indicating the:
 - i. Number of skills training hours completed by the student;
 - ii. Student performance during the skills training; and
 - iii. Verification of distance learning hours completed by the student; and
 - f. Copy of the certificate of completion issued to the student as required under subsection (A)(5);

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- H.** Examination and evaluation requirements. The owner of an assisted living facility caregiver training program shall ensure that each student in the training program:
1. Takes an examination that covers each of the subjects listed in R4-33-703(C) and passes each examination using the standard specified in subsection (A)(2)(b);
 2. Is evaluated and determined to possess the practical skills listed in R4-33-703(C);
 3. Passes, using the standard specified in subsection (A)(2)(b), a final examination approved by the Board and given by a Board-approved provider; and
 4. Does not take the final examination referenced in subsection (H)(3) more than two times. If a student fails the final examination referenced in subsection (H)(3) two times, the student is able to obtain evidence of completion only by taking the assisted living facility caregiver training program again;
- I.** Periodic evaluation. The owner of an assisted living facility caregiver training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
1. An onsite scheduled evaluation:
 - a. Before initial approval of the training program as specified under R4-33-704(D),
 - b. Before renewal of the training program approval as specified under R4-33-705(C), and
 - c. During a time of correction as specified under R4-33-706(B); and
 2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board;
- J.** Notice of change. The owner of an assisted living facility caregiver training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
1. New training program administrator. Name and license number;
 2. New instructor. Name, license number, and evidence of being qualified under subsection (C);
 3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
 4. Change in classroom location. Address of new location, if applicable, and description of the new classroom; and
 5. For a training program that is based within an assisted living facility:
 - a. Change in name of the facility. Former and new name of the assisted living facility; and
 - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.
- K.** Partial waiver of training program hours. The owner of an assisted living facility caregiver training program:
1. May waive the following training program hours for a student who, at the time of admission, is certified as a nursing assistant under A.R.S. Title 32, Chapter 15, and in good standing:
 - a. Hours of classroom instruction listed in subsections R4-33-703(C)(2) through (C)(4) and (C)(6) through (C)(13), and
 - b. Sixteen hours of skills training; and
 2. Shall ensure that a student to whom a waiver is provided under this subsection completes:
 - a. Hours of classroom instruction listed in subsections R4-33-703(C)(1), (5), and (14); and
 - b. Examination and evaluation requirements in subsection (H).

R4-33-703. Curriculum for Assisted Living Facility Caregiver Training Program

- A.** The owner of an assisted living facility caregiver training program shall ensure that the training program consists of at least 104 hours of instruction including:
1. Eighty-eight hours of classroom instruction, of which a maximum of 26 hours may be provided by distance learning, and
 2. Sixteen hours of instructor-supervised skills training.
- B.** The owner of an assisted living facility caregiver training program shall provide a written curriculum plan to each student that includes overall educational goals and for each required subject:
1. Measurable learner-centered objectives.
 2. Outline of the material to be taught.
 3. Time allotted to each unit of instruction, and
 4. Learning activities or reading assignments.
- C.** The owner of an assisted living facility caregiver training program shall ensure that the training program includes classroom instruction and skills training regarding each of the following subjects:
1. Orientation to and overview of the assisted living facility caregiver training program (at least two classroom hours).
 - a. Levels of care within an assisted living facility, and
 - b. Impact of each level of care on residents;
 2. Legal and ethical issues and resident rights (at least five classroom hours).
 - a. Confidentiality (HIPPA);
 - b. Ethical principles;
 - c. Resident rights specified in R9-10-713;
 - d. Abuse, neglect, and exploitation;
 - e. Mandatory reporting; and

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- f. Do not resuscitate (DNR) order and advanced directives;
- 3. Communication and interpersonal skills (at least four classroom hours).
 - a. Components of effective communication.
 - b. Styles of communication.
 - c. Attitude in communication.
 - d. Barriers to effective communication:
 - i. Culture.
 - ii. Language, and
 - iii. Physical and mental disabilities, and
 - e. Techniques of communication;
- 4. Job management skills (at least four classroom hours).
 - a. Stress management, and
 - b. Time management;
- 5. Service plans (at least four classroom hours). Developing, using, and maintaining resident service plans;
- 6. Infection control (at least five classroom hours).
 - a. Common types of infectious diseases.
 - b. Preventing infection.
 - c. Controlling infection:
 - i. Washing hands.
 - ii. Using gloves, and
 - iii. Disposing of sharps and other waste;
- 7. Nutrition and food preparation (at least six classroom hours).
 - a. Basic nutrition;
 - b. Menu planning and posting;
 - c. Procuring, handling, and storing food safely; and
 - d. Special diets;
- 8. Fire, safety, and emergency procedures (at least five classroom hours).
 - a. Emergency planning.
 - b. Medical emergencies.
 - c. Environmental emergencies.
 - d. Fire safety.
 - e. Fire drills and evacuations, and
 - f. Fire-code requirements;
- 9. Home environment and maintenance (at least five classroom hours).
 - a. Housekeeping.
 - b. Laundry, and
 - c. Physical plant;
- 10. Basic caregiver skills (at least 12 classroom hours).
 - a. Taking vital signs and measuring height and weight;
 - b. Maintaining a resident's environment;
 - c. Observing and reporting pain;
 - d. Assisting with diagnostic tests;
 - e. Providing assistance to residents with drains and tubes;
 - f. Recognizing and reporting abnormal changes to a supervisor;
 - g. Applying clean bandages;
 - h. Providing peri-operative care;
 - i. Assisting ambulation of residents including transferring and using assistive devices;
 - j. Bathing, caring for skin, and dressing;
 - k. Caring for teeth and dentures;
 - l. Shampooing and caring for hair;
 - m. Caring for nails;
 - n. Toileting, caring for perineum, and caring for ostomy;
 - o. Feeding and hydration including proper feeding techniques and use of assistive devices in feeding;
 - p. Preventing pressure sores; and
 - q. Maintaining and treating skin;
- 11. Mental health and social service needs (at least seven classroom hours).
 - a. Modifying the caregiver's behavior in response to resident behavior;
 - b. Understanding the developmental tasks associated with the aging process;
 - c. Responding to resident behavior;
 - d. Promoting resident dignity;

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- e. Providing culturally sensitive care;
- f. Caring for the dying resident; and
- g. Interacting with the resident's family;
- 12. Care of the cognitively impaired resident (at least eight classroom hours).
 - a. Anticipating and addressing the needs and behaviors of residents with dementia or Alzheimer's disease;
 - b. Communicating with cognitively impaired residents;
 - c. Understanding the behavior of cognitively impaired residents; and
 - d. Reducing the effects of cognitive impairment;
- 13. Skills for basic restorative services (at least five classroom hours).
 - a. Understanding body mechanics;
 - b. Assisting resident self-care;
 - c. Using assistive devices for transferring, walking, eating, and dressing;
 - d. Assisting with range-of-motion exercises;
 - e. Providing bowel and bladder training;
 - f. Assisting with care for and use of prosthetic and orthotic devices; and
 - g. Facilitating family and group activities; and
- 14. Medication management (at least 16 classroom hours).
 - a. Determining whether a resident needs assistance with medication administration and if so, the nature of the assistance;
 - b. Assisting a resident to self-administer medication;
 - c. Observing, documenting, and reporting changes in resident condition before and after medication is administered;
 - d. Knowing the five rights of a resident in medication administration;
 - e. Knowing classifications of and responses to medications;
 - f. Taking, reading, and implementing physician medication and treatment orders;
 - g. Storing medication properly and securely;
 - h. Documenting medication and treatment services;
 - i. Maintaining records of medication and treatment services;
 - j. Using medication organizers properly;
 - k. Storing and documenting use of narcotic drugs and controlled substances;
 - l. Understanding how metabolism and physical conditions affect medication absorption;
 - m. Knowing the proper administration of all forms of medication;
 - n. Using drug-reference guides (PDR); and
 - o. Preventing, identifying, documenting, reporting, and responding to medication errors.
- D.** The owner of an assisted living facility caregiver training program shall ensure that the training program:
 - 1. Provides a student with at least the number of classroom hours specified in subsection (C);
 - 2. Provides no more than 26 of the classroom hours specified in subsections (C)(1), (C)(4), (C)(5), (C)(7), (C)(8), and (C)(9) by distance learning; and
 - 3. Provides a student with at least the number of skills training hours specified in subsection (A)(2).
- E.** The owner of an assisted living facility caregiver training program shall ensure that the training program uses textbooks that are relevant to the subjects being taught and have been published within the last five years.
- F.** The owner of an assisted living facility caregiver training program shall ensure that any distance learning provided uses materials that are relevant to the subjects being taught and have been produced within the last five years.

R4-33-704. Application for Approval of an Assisted Living Facility Caregiver Training Program

- A.** The owner of an assisted living facility caregiver training program shall ensure that no training is provided until the program is approved by the Board.
- B.** To obtain approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board an application packet that contains the following:
 - 1. Name, address, telephone number, and e-mail address of the owner;
 - 2. Name, address, telephone and fax numbers, and web site of the training program;
 - 3. Form of business organization under which the training program is operated and a copy of the establishing documents and organizational chart;
 - 4. A statement of whether the training program is based within an assisted living facility or other location;
 - 5. Name, telephone number, and license or certificate number of the program administrator required under R4-33-702(B);
 - 6. Name, telephone number, and certificate number of each program instructor and evidence that each program instructor is qualified under R4-33-702(C);
 - 7. A statement of whether the training program is accredited and if so, name of the accrediting body and date of last review;
 - 8. For all assisted living facilities at which the training program will provide instruction;

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- a. Name, address, and telephone number of the assisted living facility;
 - b. Name and telephone number of a contact person at the assisted living facility;
 - c. License number of the assisted living facility issued by the Department of Health Services;
 - d. A statement of whether the license of the assisted living facility is in good standing; and
 - e. Date and results of the most recent compliance inspection conducted by the Department of Health Services;
 9. Evidence of compliance with R4-33-702 and R4-33-703, including the following:
 - a. Written training program description, consistent with R4-33-702(A)(1), and an implementation plan that includes timelines;
 - b. Description of classroom facilities, equipment, and instructional tools available, consistent with R4-33-702(F);
 - c. Written curriculum, consistent with R4-33-703(C);
 - d. Skills checklist used to verify whether a student has acquired the necessary assisted living facility caregiver skills, consistent with R4-33-702(A)(6)(a);
 - e. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
 - f. Evidence of completion issued to a student under R4-33-702(A)(4);
 - g. Name of textbook used, author, publication date, and publisher;
 - h. Name of any distance learning materials used, producer of the material, and date produced; and
 - i. Copy of written policies and procedures required under R4-33-702(A)(2);
 10. Signature of the owner of the training program; and
 11. The fee prescribed under R4-33-104(D)(1).
 - C. The owner of an assisted living facility caregiver training program shall ensure that the application materials submitted under subsection (B) are printed on only one side of white, letter-sized paper, and are not bound in any manner.
 - D. After review of the materials submitted under subsection (B), the Board shall schedule an onsite evaluation of the training program and take one of the following actions:
 1. If requirements are met, approve the training program for one year; or
 2. If requirements are not met, deny approval of the training program.
 - E. The owner of an assisted living facility caregiver training program that is denied approval by the Board may request a hearing regarding the denial by filing a written request with the Board within 30 days after service of the Board's order denying approval of the training program. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.
- R4-33-705. Renewal of Approval of an Assisted Living Facility Caregiver Training Program**
- A. The approval of an assisted living facility caregiver training program expires one year from the date of approval. If the approval of an assisted living facility caregiver training program expires, the owner of the training program shall immediately stop all training program activity.
 - B. To renew approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
 1. Name, address, telephone number, and e-mail address of the owner;
 2. Name, address, telephone and fax numbers, and web site of the training program;
 3. Name, telephone number, and license number of the program administrator required under R4-33-702(B);
 4. Name, telephone number, and license number of each program instructor and evidence that each program instructor is qualified under R4-33-702(C);
 5. Written training program description, consistent with R4-33-702(A)(1);
 6. Written curriculum, consistent with R4-33-703(C);
 7. Since the time the training program was last approved:
 - a. Number of student-cohort classes to which training was provided;
 - b. Number of students who completed the training program;
 - c. Results obtained on the Board-approved written and skills examinations for each student, and
 - d. Percentage of students who passed the examinations on the first attempt;
 8. For an assisted living facility at which the training program has started to provide instruction since the training program was last approved, the information required under R4-33-704(B)(8);
 9. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
 10. Summary of evaluations for each student cohort, required under R4-33-702(G)(1)(c), and measures taken, if any, to improve the training program based on student evaluations;
 11. Evidence of completion issued to a student under R4-33-702(A)(4);
 12. Name of textbook used, author, publication date, and publisher;
 13. Name of any distance learning materials used, producer of the material, and date produced;
 14. Copy of written policies and procedures required under R4-33-702(A)(2);
 15. Signature of the owner of the training program; and
 16. The fee prescribed under R4-33-104(D)(2).

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- C. After review of the materials submitted under subsection (A), the Board shall ensure that the training program is evaluated at either an on-site or telephonic meeting. The program owner shall ensure that the program owner, program administrator, and all instructors are available to participate in the evaluation meeting.
- D. The Board shall ensure that each training program receives an on-site evaluation at least every four years. An on-site evaluation includes visiting each assisted living facility at which the training program provides instruction.
- E. If the Board approves a training program following an on-site evaluation, no deficiencies were identified during the on-site evaluation, and no complaints are filed with the Board, the Board shall evaluate the training program under subsection (C) using a telephonic meeting for at least two years.
- F. After conducting the evaluation required under subsection (C), the Board shall:
 - 1. Renew approval of a training program that the Board determines complies with R4-33-702 and R4-33-703; or
 - 2. Issue a notice of deficiency under R4-33-706 to the owner of a training program that the Board determines does not comply with R4-33-702 or R4-33-703.
- G. The owner of an assisted living facility training program that is issued a notice of deficiency by the Board under subsection (F)(2) may request a hearing regarding the deficiency notice by filing a written request with the Board within 30 days after service of the Board's order. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

R4-33-706. Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination

- A. Notice of deficiency. If the Board determines that an assisted living facility caregiver training program does not comply with the requirements in this Article, the Board shall issue a written notice of deficiency to the owner of the training program. The Board shall include the following in the notice of deficiency:
 - 1. Description of each deficiency;
 - 2. Citation to the requirement in this Article with which the training program is not in compliance; and
 - 3. The time, to a maximum of three months, allowed by the Board for correction of the deficiencies.
- B. Correction plan.
 - 1. Within 10 days after service of a notice of deficiency under subsection (A), the owner of the served training program shall submit to the Board a written plan to correct the identified deficiencies;
 - 2. The Board may conduct on-site or telephonic evaluations during the time for correction to assess progress towards compliance;
 - 3. The owner of a training program implementing a correction plan shall notify the Board when all corrections have been made; and
 - 4. After receiving notice under subsection (B)(3) or after the time provided under subsection (A)(3) has expired, the Board shall conduct an on-site evaluation to determine whether all deficiencies listed in the notice under subsection (A) have been corrected.
 - a. If the Board determines that all deficiencies have been corrected, the Board shall renew approval of the training program; or
 - b. If the Board determines that all deficiencies have not been corrected, the Board shall take disciplinary action under subsection (C).
- C. Disciplinary action.
 - 1. Under A.R.S. § 36-446.03(P), the Board shall issue a civil money penalty, suspend or revoke approval of an assisted living facility caregiver training program, or place the training program on probation if, following a hearing, the Board determines that the owner of the assisted living facility caregiver training program:
 - a. Failed to submit a plan of correction to the Board under R4-33-706(B) within 10 days after service of a notice of deficiency;
 - b. Failed to comply with R4-33-702 or R4-33-703 within the time set by the Board under R4-33-706(A)(3) for correction of deficiencies;
 - c. Failed to comply with a federal or state requirement;
 - d. Failed to allow the Board to conduct an evaluation under R4-33-702(I);
 - e. Failed to comply with R4-33-702(J);
 - f. Lent or transferred training program approval to another individual or entity or another training program, including one owned by the same owner;
 - g. Conducted an assisted living facility caregiver training program before obtaining Board approval;
 - h. Conducted an assisted living facility caregiver training program after expiration of program approval without submitting an application for renewal under R4-33-705;
 - i. Falsified an application for assisted living facility caregiver training program approval under R4-33-704 or R4-33-705;
 - j. Violated an order, condition of probation, or stipulation issued by the Board; or
 - k. Failed to respond to a complaint filed with the Board.
 - 2. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.
 - 3. The Board shall include in an order suspending or revoking approval of an assisted living facility caregiver training program the time and circumstances under which the owner of the suspended or revoked training program may apply again under R4-33-704 for training program approval.

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- D.** Voluntary termination. If the owner of an approved assisted living facility caregiver training program decides to terminate the training program, the owner shall:
1. Provide written notice of the planned termination to the Board; and
 2. Ensure that the training program, including the instructors, is maintained according to this Article until the last student is transferred or completes the training program.